

BAKER BOTTS L.L.P.  
FILE NO.: AP35699 090495.0282

### DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural named are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "SYNTHESIS OF PELORUSIDE A AND ANALOGS THEREOF FOR USE AS ANTITUMOR AGENTS," the Specification of which:

\_\_\_\_\_ is attached hereto.  
X was filed on Feb. 20, 2004 as Application Serial No. 10/783,848

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as materiality is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)			Priority Claimed
_____	_____	_____	Yes/No
(Number)	(Country)	(Date Filed)	
_____	_____	_____	Yes/No
(Number)	(Country)	(Date Filed)	

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as materiality is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

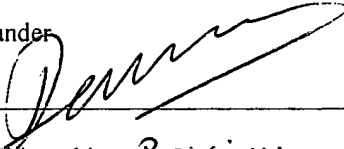
<u>60/448,851</u>	<u>February 20, 2003</u>
(Provisional Application Serial No.)	(Filing Date)

I hereby direct that all correspondence and telephone calls be addressed to:

SEND CORRESPONDENCE TO: BAKER BOTTS L.L.P. 30 ROCKEFELLER PLAZA, NEW YORK, N.Y. 10112 CUSTOMER NUMBER: 21003	DIRECT TELEPHONE CALLS TO: BAKER BOTTS L.L.P. (212) 408-2500
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I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

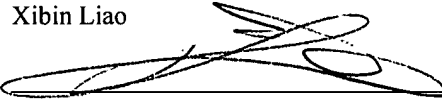
Inventor's Full Name: Jef De Brabander

Inventor's Signature: 

Date: 06/23/2004 Country of Citizenship: BELGIUM

Residence Address: 1112 Grove Drive  
Lewisville, Texas 75077

Inventor's Full Name: Xibin Liao

Inventor's Signature: 

Date: 06/23/04 Country of Citizenship: P. R. CHINA

Residence Address: 3320 Hudnall Street, Apt.#253H  
Dallas, Texas 75235



AP35699 090495.0282  
PATENT

**ELECTION UNDER 37 C.F.R. §§ 3.71  
AND 3.73 AND POWER OF ATTORNEY**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

Board of Regents, The University of Texas System states that it is the assignee of the entire right, title and interest in the patent application filed February 20, 2004 as United States Patent Application Serial No. 10/783,848 by virtue of an assignment from the inventors concurrently submitted to the United States Patent and Trademark Office for recordation. A copy of the Assignment is attached hereto.

The undersigned, whose title is supplied below, being Assignee of record of the entire interest in the patent application filed February 20, 2004 as United States Patent Application Serial No. 10/783,848 by virtue of an assignment from the inventors concurrently submitted to the United States Patent and Trademark Office for recordation, is authorized to act on behalf of the Assignee and hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints Robert Neuner, Reg. No. 24,316; Bradley B. Geist, Reg. No. 27,551; Robert C. Scheinfeld, Reg. No. 31,300; John A. Fogarty, Jr., Reg. No. 22,348; Rochelle K. Seide Reg. No. 32,300; Gary M. Butter, Reg. No. 33,841; Lisa B. Kole, Reg. No. 35,225; Carmella L. Stephens, Reg. No. 41,328; Kimberly J. McGraw, Reg. No. 50,994, and Peter J. Shen, Reg. No. 52,217; each an attorney or agent of the firm of BAKER BOTTS L.L.P., with offices at 30 Rockefeller Plaza, New York, New York 10112, as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent to file any request for a certificate or correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Board of Regents, The University of Texas System, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communication as follows:

SEND CORRESPONDENCE TO: BAKER BOTTS L.L.P. 30 ROCKEFELLER PLAZA, NEW YORK, N.Y. 10112 CUSTOMER NUMBER: 21003	DIRECT TELEPHONE CALLS TO: BAKER BOTTS L.L.P. (212) 408-2500
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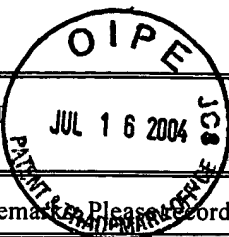
ASSIGNEE: BOARD OF REGENTS, THE  
UNIVERSITY OF TEXAS SYSTEM

By: Beth Lynn Marsh

Name: Beth Lynn Marsh

Title: Vice Chancellor and General  
Counsel,  
Board of Regents, The University of  
Texas System

Date: 28 June 04  
ASSIGNMENT: Concurrently filed

RECORDATION FORM COVER SHEET  
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks, Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

**Jef De Brabander, Xibin Liao**

Additional name(s) of conveying party(ies) attached?

☐ Yes☒ No

2. Name and address of receiving party(ies)

Name: The University of Texas System

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other

Address: 201 West 7th Street

City: Austin

State: TX

Zip: 78701

Additional name(s) and address(es) attached?

Country:

☐ Yes ☒ No

Execution Date: June 10, 2004; June 10, 2004

4. Application number(s) or patent number(s) 10/783,848

If this document is being filed together with a new application, the execution date of the application is

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached?

☐ Yes☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Rochelle K. Seide

BAKER BOTTS L.L.P.

30 Rockefeller Plaza - 44 Fl.

New York, NY 10112

6. Total number of applications and patents involved:  
1

7. Total fee (37 CFR 3.41): \$ 40.00

☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit account number :

02-4377 (Charge any additional fees to this account)

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature

*To the best of my knowledge and belief, the foregoing instrumentation is true and correct and any attached copy is a true copy of the original document.*

Rochelle K. Seide

Name of Person Signing

Signature

July 14, 2004

Date

Page 1 of 2

Total number of pages including cover sheet, attachments and document: 9

RECORDATION FORM COVER SHEET  
PATENTS ONLYU.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

10. Name of conveying party(ies):

11. Application number(s) or registration number(s):

A. Patent Application No.(s)

B. Patent Registration No.(s)

Page 2 of 2

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

**Commissioner of Patents and Trademarks  
Box Assignments  
Washington, DC 20231**

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to Board of Regents, The University of Texas System (the Assignee), having a place of business at 201 West 7<sup>th</sup> Street, Austin, Texas, 78701, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, filed February 20, 2004 as United States Application Serial No. 10/783,848, entitled "SYNTHESIS OF PELORUSIDE A AND ANALOGS THEREOF FOR USE AS ANTITUMOR AGENTS" such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned:

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

(Signature)

Name: Jef De Brabander

Date

06/10/2004

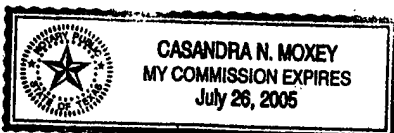
STATE OF TEXAS

COUNTY OF DALLAS

ss.

BEFORE ME, the undersigned authority, on this 10<sup>th</sup> day of June, 2004, personally appeared Jef De Brabander, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

{SEAL}




NY02:487315.1

Casandra N. Moxey

Notary or Consular Officer

## PATENT

(Signature) 

Date 06/10/2004

**Name:** Xibin Liao

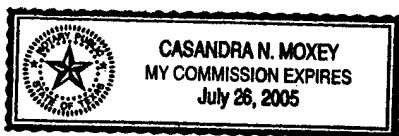
STATE OF TEXAS

COUNTY OF DALLAS

**SS.**

BEFORE ME, the undersigned authority, on this 10<sup>th</sup> day of June, 2004, personally appeared Xubin Liao, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

{SEAL}



Casando A. Moe-

**Notary or Consular Officer**